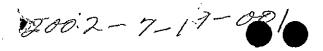
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COOPERATIVE AGREEMENT CONCERNING ISSUANCE OF LICENSE FOR SALE OF ALCOHOLIC BEVERAGES

THIS AGREEMENT, made and entered into this fifth day of June 2002, by and between Chicha Lounge (hereinafter the "Applicant"), and Advisory Neighborhood Commission 1C, (hereinafter the "Protestant"), witnesses:

Whereas Applicant has filed an application (#22523) with the District of Columbia Alcoholic Beverage Control Board (hereinafter the "Board") for the renewal of a class "CR" License for the premises known as Chicha Lounge, located at 1624 U St., NW, Washington, DC.

Whereas Protestant has filed before The Board a protest opposing the granting of this renewal,

Whereas in recognition of the Board's policy of encouraging parties to a protested proceeding to settle their differences by reaching voluntary agreements, the Parties hereto desire to enter into a voluntary agreement whereby (1) Applicant will agree to adopt certain measures to address the Protestant's concerns and to include this agreement as a formal condition of its application, and (2) Protestant will agree to the issuance of the renewal of the license and withdrawal of the Protest provided that such agreement is incorporated into the Board's order renewing the license, which order is thereby conditioned upon compliance with such agreement,

Whereas Applicant has recently taken or intends to take certain measures designed to ameliorate Protestant's concerns,

Now agree therefore, in consideration of the mutual covenants and undertakings memorialized herein, the Parties hereby agree as follows:

1. Hours. The hours of operation shall be:

Inside:	Monday 11:30 AM- 2:00 AM	Tuesday 11:30 AM 2:00 AM	Wednesday 11: 30 AM 2:00 AM	Thursday 11:30AM 2:00AM	Friday 11:30AM 3:00 AM	Saturday 11:30 AM. 3:00 AM	Sunday 11:30 AM 2:00 AM
Roof:	•						7,00
Patio:	11:30 AM 12:00 AM	11:30 AM 12:00 AM	1(:30 AM 12:00 AM	11:30 AM 12:00 AM	11:30 AM 1 12:00 AM	11:30 AM 12:00 AM	11:30 AM

(If hours are different on different floors please indicate)
If different from above, hours when alcohol will be served:

Inside:	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
msiue.							4
Roof:							
Patio:					(-	

2. Seating. Seating capacity will not exceed:

Interior

Interior

Patio(s):

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Roof.

140 table:

bar:

(Please indicate by floor, if more than one floor will have seating)

- 3. Noise/Music/Dancing. Applicant acknowledges familiarity with and will comply with noisecontrol provisions of District of Columbia law and regulations, including preventing emissions of sound, capable of being heard outside the premises, by any musical instrument or amplification device or other device or source of sound or noise, in accordance with DCMR 905.
- 4. <u>Trash/garbage/rodents</u>. Applicant shall maintain regular trash garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean. Applicant shall deposit trash and garbage only in rodent-proof dumpsters, and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed. Applicant will make every reasonable effort to eliminate food sources for rodents and eliminate the rat population.
- 5. Exterior including public space. (a) Applicant shall assist in the maintenance of the alleyway and the space in front of the establishment to at least 18 inches outward from the curb as need to keep them free of trash and to remove snow and ice from the sidewalk and comply with all applicable D.C. laws and regulations in these respects. Applicant shall make every reasonable effort to prevent or disperse loitering or any other source of noise or disturbance in the areas in front or to the rear of the premises during business hours and at closing, and to cause patrons to leave those areas at closing.
 - (b) Applicant will provide for the proper removal of grease and fatty oils from the establishment and will not deposit grease or fatty oils in the dumpster.
- 6. <u>Items specific to establishment</u>: (1) Doors and windows closed at all times when live music is being performed, (2) Doors and windows closed at midnight when there is no live music, or when quiet background music is being played, (3) No live music after 1 AM, and (4) Public Space permit allows for the use of thirty square feet; hours of operation to be 5:30 PM-11 PM Sunday-Thursday, and 5:30 PM-Midnight Friday and Saturday only, as is permitted. 12:00 AM (1)

Bar/Pub Crawls. Applicant agrees not to promote or participate in bar or pub crawls.

- 7. <u>Consideration</u>. Applicant will encourage employees and patrons to be considerate of neighboring residents at all times. Applicant will encourage employees leaving the establishment to keep conversations and noise down from 11:00 PM to 7:00 AM.
- 8. Modification. This agreement can be modified only by the ABC Board, or by mutual agreement of all the parties with the approval of the ABC Board. In the case of ANC 1C, if Applicant desires to modify the terms of this agreement, prior to implementing the changes Applicant shall receive written agreement from ANC-1C after a majority of the commissioners shall have voted in favor of changes at a full public meeting.
- 9. <u>Regulations</u>. In addition to the foregoing, Applicant will operate in compliance with all applicable laws and regulations.

10. Withdrawal of protest. Protestant agrees to the issuance of the renewal of the license and the withdrawal of their protest *provided* that the present Voluntary Agreement is incorporated into the Board's order renewing the license, which order is thereby conditioned upon compliance with such Voluntary Agreement.

APPLICANT:

PROTESTANT:

Advisory Neighborhood Commission 1C

7/16/02

By:

BEFORE THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL BOARD

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)	Application no. 22523-02/086P
)	2002-228
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Daniel R. Brody, on behalf of the Advisory Neighborhood Commission 1C, Protestant

Alfredo M. Fraga, President, on behalf of the Applicant

BEFORE: Roderic L. Woodson, Esquire, Chair

Vera Abbott, Member Charles Burger, Member Laurie Collins, Member Judy Moy, Member

Ellen Opper-Weiner, Esquire, Member

Audrey Thompson, Member

ORDER ON WITHDRAWN PROTEST AND VOLUNTARY AGREEMENT

The application, having been protested, came before the Board on May 22, 2002, in accordance with D.C. Official Code Section 25-601 (2000 Edition). Daniel R. Brody, on behalf of the Advisory Neighborhood Commission 1C, filed timely opposition.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated June 5, 2002, the protestant has agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is

9 - 7: 4, janggarani 1624 U Street, Inc. t/a Chi-Cha Lounge Page two

conditioned upon the licensee's continuing compliance with the terms of the agreement.

Accordingly, it is this ______ day of September 2002, ORDERED that:

- 1. The opposition of Daniel Brody, on behalf of the Advisory Neighborhood Commission 1C, is WITHDRAWN;
- 2. The application of 1624 U Street, Inc. t/a Chi-Cha Lounge for a retailer's class CR license (renewal) located at 1624 U Street, N.W., Washington, D.C. is GRANTED;
- 3. The above-referenced agreement between the parties, is **INCORPORATED** as part of this Order; and
 - 4. Copies of this Order shall be sent to the Protestant and the Applicant.

District of Columbia

Coloric Peyerage Control Board

Roderic L. Woodson, Esquire, Chair

Vera Abbott, Member

Charles Burger, Member

Laurie Collins, Member

July Moy, Member

Ellen Opper-Weiner, Esquire, Member

Audrey E. Thompson, Member

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